

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CARLENE BECHEN, ELVIRA
BUMPUS, RONALD BIENDSEIL, LESLIE W.
DAVIS, III, BRETT ECKSTEIN, GLORIA
ROGERS, RICHARD KRESBACH, ROCHELLE
MOORE, AMY RISSEEUW, JUDY ROBSON,
JEANNE SANCHEZ-BELL, CECELIA
SCHLIEPP, TRAVIS THYSSEN, CINDY
BARBERA, RON BOONE, VERA BOONE,
EVANJELINA CLEERMAN, SHEILA
COCHRAN, MAXINE HOUGH, CLARENCE
JOHNSON, RICHARD LANGE, and GLADYS
MANZANET,

Plaintiffs,

Case No. 11-CV-00562
JPS-DPW-RMD

TAMMY BALDWIN, GWENDOLYNNE MOORE and
RONALD KIND,

Intevenueor-Plaintiffs,

Members of the Wisconsin Government
Accountability Board, each only in his official
capacity: MICHAEL BRENNAN, DAVID
DEININGER, GERALD NICHOL, THOMAS
CANE, THOMAS BARLAND, and TIMOTHY
VOCKE, and KEVIN KENNEDY, Director and
General Counsel for the Wisconsin Government
Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR., THOMAS E.
PETRI, PAUL D. RYAN, JR., REID J. RIBBLE,
and SEAN P. DUFFY.

Intevenueor-Defendants.

VOCES DE LA FRONTERA, INC.,
RAMIRO VARA, OLGA VARA,

JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v.

Case No. 11-CV-1011
JPS-DPW-RMD

Members of the Wisconsin Government
Accountability Board, each only in his official
capacity: MICHAEL BRENNAN, DAVID
DEININGER, GERALD NICHOL, THOMAS
CANE, THOMAS BARLAND, TIMOTHY
VOCKE, and KEVIN KENNEDY, Director and
General Counsel for the Wisconsin Government
Accountability Board,

Defendants.

DEFENDANTS' CERTIFICATION REGARDING CONSULTATION

The defendants by their attorneys, J.B. Van Hollen, Attorney General, and Maria S. Lazar, Assistant Attorney General, and Reinhart Boerner Van Deuren s.c., hereby certify that, pursuant to the Trial Scheduling Order dated December 15, 2011, prior to the filing of defendants' Motion in Limine, the defendants made a good faith effort to resolve the matter and reach a compromise through conversations and negotiations with counsel for plaintiffs. Despite such personal consultation and sincere efforts to resolve this matter, the parties were unable to reach an accord. A summary of those consultations follows:

1. On February 7, 2012, the deposition of Tony Van Der Wielen, LTSB employee, was taken upon Notice of Deposition and subpoena by the plaintiffs. Attending that deposition, among others, were attorneys Douglas Poland (counsel for the *Baldus* plaintiffs), and Assistant Attorney General Maria S. Lazar and attorney Daniel Kelly (counsel for defendants). Both prior to and following that deposition, defendants' counsel suggested that the census

implementation—or the "anomalies" issue—was not relevant to the issues present in this case and that the plaintiffs should decline to amend their complaint.

2. On February 8, 2012, the deposition of Kevin Kennedy, Director and General Counsel of the GAB, was taken upon Notice of Deposition and subpoena by the plaintiffs. Attending that deposition, among others, were attorneys Douglas Poland, Maria S. Lazar, Daniel Kelly and Patrick J. Hodan. Both prior to and following that deposition, there were, again discussions regarding the census implementation—or "anomalies" issue.

3. This matter was also discussed in person between these same attorneys during the meet and confer meeting the afternoon of February 8, 2012.

4. On the evening of February 13, 2012, Patrick Hodan sent an email to all plaintiffs' counsel to confirm that no party was intending to challenge the census data or otherwise offer or elicit testimony or evidence regarding the census "anomalies" issue at trial. On February 14, 2012, Attorney Poland responded in an email chain that is attached to the Daniel Kelly Declaration as Exhibit A.

5. Despite good faith negotiations on both sides and a truly sincere effort to resolve the dispute, there was no compromise which could be reached.

6. Following these discussions, consultations and negotiations (which were held in person and by email), counsel for defendants filed the accompanying Motion in Limine.

Dated this 15th day of February, 2012.

J.B. VAN HOLLEN
Attorney General

s/ Maria S. Lazar
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